IN THE HIGH COURT OF BOMBAY AT GOA

WRIT PETITION NO.337 OF 2003

The North Goa Planning & Development
Authority through its Member Secretary
with his office at Archidioces Building
Mala Link Road,Panaji-Goa ... PETITIONER

VERSUS

Maria E. Fernandes,
married, major, housewife,
r/o Fonduvem, Ribandar,
Ilhas,Goa ... RESPONDENT.

Shri V.P. Thali, Advocate for the Petitioner.

CORAM : F.I. REBELLO,J.

DATED : JULY 17, 2003.

ORAL JUDGMENT

Rule. Heard forthwith. The Order to be passed would not affect the right of the Respondent. In the light of that, notice is dispensed with.

2. The only contention of the Petitioner is that he has moved an application under Order 7 Rule 11 of C.P.C. and accordingly that should be disposed of as that will go to the very root of the matter, namely, that the suit as filed is maintainable. The learned Trial Court on the application moved has rejected the same by holding that it will be decided after the disposal of

application under Order 39 Rule 1 and 2.

3. Considering the above, the Trial Court is directed to hear and dispose of the application filed by the Plaintiff under Order 7 Rule 11 of C.P.C. on or before 30th September, 2003.

Rule accordingly with no order as to costs.

F.I. REBELLO,J.

ac.